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Letter dated 13 January 2005 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to send you herewith an updated progress report on the implementation of the Linas-Marcoussis Agreement since the beginning of President Thabo Mbeki's mediation (see annex).

Please kindly have the present letter and its annex issued as a document of the Security Council.

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

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Annex to the letter dated 13 January 2005 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

MOVING THE PEACE PROCESS FORWARD : AN UPDATE ON THE IMPLEMENTATION OF THE THABO MBEKI ROADMAP

I – THE LEGISLATIVE PROGRAMME : National Assembly – Government – Monitoring Committee

Actions to be taken	DUE DATE Start date suggested by the mediator :	Actions taken	Observations
Complete legislative program excluding article 35	February 06, 2005	. The Bill on the Amnesty .	Law # 2003-309 Promulgated on August 8th 2003
		.The Bill related to the amendment of the law#2002-03 of January 3,2002 for the Identification of the population and the status of foreigners in Côte d'Ivoire. Thus, abrogating the law #98-448 of August 4, 1998.	Law #2004-303 Promulgated on May03, 2004
		.The Bill related to the creation, organization, prerogatives and functioning of the National Commission of Human Rights in Côte d'Ivoire.	Law # 2004-302 Promulgated on May 03, 2004
		.The Bill authorizing the President of the Republic to ratify the additional protocol A/SP. 1/6/89 amending and completing the dispositions	Law # 2004-411 Promulgated on August 14, 2004

		of the article 7 concerning the freedom of circulation of people, the right for residence and the right for settlement signed in Ouagadoudou on June 30,1989.	
		. The Bill on the declaration of the President's personal assets	Law # 2004-413 Promulgated on August 15, 2004
		.The Bill for the amendment of the article 26 of the law #98-750 of December 23,1989 related to the Land Tenure Law.	Law # 2004-412 Promulgated on August 03, 2004
		.The Bill related to the financing of political parties and organizations and of the electoral campaigns from public funds and abrogating the law#99-694 of December 14, 1999.	Law # 2004- 494 Promulgated on September 10, 2004
		. The Bill amending the law #2001-634 of October 9,2001 related to the members, organization, prerogatives and functioning of the Independent Electoral Commission.	Law # 2004-642 Promulgated on December 14, 2004
		. The Bill related to the legal status of the Press.	Law # 2004-643 Promulgated on December 14, 2004
		.The Bill fixing the legal the legal status of the audio – visual communication.	Law # 2004 – 644 Promulgated on December 14, 2004
		.The Bill related to the amendment of the Constitution of August 1, 2000.	Being examined according to the constitutional prescriptions

		.The Bill amending and completing the law#61-415 of December 14,1961 related to the nationality code as amended by the law 72-852 of December 21,1972	Law# 2004 -663 Promulgated on December 2004.
		.The Bill related to the legal and special dispositions of law on naturalization.	Law# 2004-662 Promulgated on December 17, 2004.
		. The organic Bill related to the organization of the referendum.	Rejected for lack of majority (For: 108 Abstention : 86 Nil :01) To be rescheduled.
		. The Bill authorizing the President of the Republic to ratify the additional protocol A/SP.5/02/90 concerning the implementation of the 3rd stage (the right for settlement) of the protocol on the freedom of circulation of people, the right for residency and settlement signed in Banjul on May 29,1990.	Examination of the Bill by the National Assembly has been deferred.
		The Bill related to the compensation of the war victims and the creation ,organization, prerogatives and functioning of the National Commission in charge of the Identification, the Rehabilitation and the Reinsertion of the war	Has been tabled at the National Assembly but has not been examined by the MPS in Commission or in plenary because the Minister in charge of the Department and member of the rebellion was unaccounted for

		victims, the displaced persons and exiles.	
		The Bill related to the legal status of the opposition..	Not adopted by the Cabinet Meeting because of the suspension of the Ministers members of the rebellion from the activities of the government. The Minister in charge of the Department is a member of the rebellion
		The Bill related to the Assets of the elected personalities.	Not adopted by the Cabinet Meeting because of the rebel Ministers' decision to suspend their activities from the government of national reconciliation.
		The Bill related to the repression of unlawful enrichment.	Not adopted by the Cabinet Meeting.

GENERAL COMMENTS

1- It is important to note that the due date for the adoption of the Bills from the Linas Marcoussis and Accra III peace Agreements in Parliament, as suggested by the facilitator, was February 6, 2005. But, The President of the Republic, the Government of National Reconciliation and the National Assembly have all worked very hard to end the examination and adoption of all the Bills on December 17,2004. To give peace a chance they worked day-in and day out for three (3) weeks to make it possible.
This performance highlights the Head of State's commitment and determination to participate in the success of the mission of President Thabo Mbeki. This also shows that the President has always been committed to implement the Linas Marcoussis and Accra III Agreements.

2- With regards to the dispositions for the organization of the Referendum. In legal matters, what is not forbidden by law is considered as authorized. The Linas Marcoussis and Accra III Agreements are not opposed to the referendum.
On January 06, 2004, the Secretary General of the United Nations Mr. Kofi Anan, himself, said that only the amendment of the Article 35 of the constitution should be submitted to a referendum.

II - THE DISARMAMENT –DEMOBILIZATION ET REINSERTION PROGRAMME

The National Commission for Disarmament- Demobilization and Reinscrtion (CNDDR)
Defence and Security Forces of Côte d'Ivoire

Actions to be taken	Due Period	Structure in charge	Actions taken	Observations
Resumption of CNDDR functions and preparation of the DDR sites as per Yamoussoukro plan of action	month1	CNDDR	None	
Start of regroupment for DDR	month2	CNDDR	None	
Completion of DDR	Month 4	CNDDR		
Start disarming paramilitary groups and militia.	Month 1	CNDDR and Defence and Security Forces of Côte d'Ivoire	None	

OBSERVATIONS:

. One month after the Plan has been submitted to the different parties there has been no commencement of the D.D.R programme.

.The rebels must start disarming for the President to pursue the implementation of the other points of President Mbeki's roadmap.

.Concerning the recruitment of 600 combatants from the rebel groups to ensure security in the besieged zones before and after the disarmament process, the President of the Republic believes that such a recruitment will be conducted on a regional and ethnical basis and this is unacceptable in a country already divided.
The President of the Republic suggests that this recruitment be either conducted on a national basis or that the government of South Africa agrees to send 600 members of its army to undertake this mission of security in the besieged zones until the situation normalizes. .

III – CREATING A CLIMATE CONDUSIVE TO FREE POLITICAL ACTIVITY

Actions to be taken	DUE DATE	Responsibility	Actions taken	Observations
Restoration of RTI management	Without delay	President GBAGBO	.The National Assembly has just passed the Bill related to the legal status of the Press and the Bill fixing the legal status of the audio-visual communication.	Law # 2004-643 Promulgated on 12 / 14 / 2004 Law # 2004-644 Promulgated on 12/14/2004
			.The President promised to restore the management of the RTI. He said it in his New Year Address to the nation of December 31,2004 .	« As of Next week, the RTI will leave its present situation to resume with its legal management » An extract from the PR new year address. Since January 3,2005 the former Executive Manager of the RTI has reported to work and a new Board of Directors has been designated according to the new status of the RTI.
			On instruction of the President, the Director of the Cabinet of the Minister for Employment and Public office, ensuring the interim of the Minister of Communication, proceeded to the reinstallation of the General manager of the RTI	January, the 3rd, 2005
Call upon media to avoid hate speech	Without delay	President Gbagbo and the Government of national reconciliation	The President of the Republic in his New year Address to the nation on December 31,2004 has called upon	« This evening I would like the local press and the media to let politicians do politics. Your mission is to inform. The war has fragilized our country by aggravating sensitive issues.

			local and international media to depart from hate speech	I invite you to refrain, in your articles, language and commentaries from any words or comments that can lead to hatred. The same appeal goes to the international media. They are more powerful than our newspapers, our radios and our televisions. They have a wider audience. They reach out to places where our media cannot reach. They are listened to and watched in places where our media cannot be listened to and watched. They continue to broadcast when our media are off. Their credibility is often overstated. We don't stress enough how important is their responsibility in the winces we encounter in most crisis in Africa."
Urge the Young Patriots to "leave the streets"	Without delay	President Gbagbo and the Government of national reconciliation	The Young Patriots have made a real contribution to the peace process by leaving the streets.	They even participated, in an act of civism to an operation of clean up of the sites they occupied for about three weeks.
Resume joint patrols	Without delay	ONUCI et FDS-CI	. Elaboration of a protocol of Agreement. . Definition of the missions modalities . joint patrols in motion : 4 vehicles per unit : 2 ONUCI et 2 FDS-CI ; . The President of the republic has signed a decree suspending all street demonstrations until March 30, 2005. They Young Patriots have participated in the	The joint patrols as indicated in the Thabo Mbeki Plan are going on well. (cf report from the Military Headquarter and the Ministry of Defence) The resumption of the joint patrols has generated a peaceful climate in Abidjan and is a great contribution in the normalization of life in the economic capital.

			campaign of sensitization for the implementation of the decree.	

IV – FUNCTIONING OF THE GOVERNMENT NATIONAL RECONCILIATION

Actions to be take	DUE PERIOD	Responsibility of	Actions taken	Observations
The security of the ministers of the government of national reconciliation	Within 1 week	The President of the Republic. Prime Minister ONUCI	The security of the Ministers of the government of national reconciliation is assured by the FDS-CI and ONUCI	A lot of efforts have been made to reduce insecurity in the government – controlled part of the country. But it is fair to say that the problem of insecurity exists because the rebels brought war in the country and are still carrying weapons. It is a global affair that can be defeated if the disarmament is completed, the Administration is redeployed and the country is reunified.
Return of all Ministers to Government	Within 2 weeks	The President of the Republic The Prime Minister ONUCI	All the Ministers have effectively reported to duty are attending the weekly Cabinet Meetings except the Ministers who are from the rebellion	The Prime Minister has asked the President to give some days off to the government for Christmas and New Year holidays. The next cabinet Meeting will be held on Thursday January 6,2005.

General Comments

. Despite the malfunctioning of the government and the difficulties that the President encounters to make it work as a team, the President of the Republic is still committed to maintain the number of the political parties and organizations represented in the government of national reconciliation and its structure, as recommended by the Linas Marcoussis and Accra III Agreements.

. However if this difficult situation of the functioning of the government was to continue, the President wishes to form a new government with Ministers coming from the same political parties and organizations signatories of the Linas Marcoussis and Accra III Agreements.
The President of the Republic will remain open to discussions with the Prime Minister and all the different parties for the forming of the new government.

V – RESTORATION OF SOCIAL SERVICES AND REDEPLOYMENT OF ADMINISTRATION IN THE WHOLE TERRITORY.

Actions to be taken	Due Period	Responsibility of	Actions taken	Observations
Start of the restoration of the social services	Month 1	Government of national reconciliation	No action has been taken	
Start of the redeployment of the administration and judiciary	Month 3	Government of national reconciliation	No action has been taken	

General comments

.These two actions are linked to the DDR programme. If there no DDR, it is almost impossible to commence the restoration of the social services and the redeployment of the administration and judiciary. The redeployment of the administration should take place simultaneously with the DDR programme.

. The monitoring Committee of the Thabo Mbeki plan must become operational right after the facilitator has submitted his report to the African Union.

. President Gbagbo jointly with UNDP and ONUCI conveyed 22 children from the besieged zones of Bouaké (centre) and Korogho (north).The children form Man (west) could not come for security reasons.
On the whole the President received 78 orphans from Abidjan and its surroundings, plus the 22 childre of the besieged zones at the Presidential Palace for the Christmas and New Year celebration on December 30th and 31st 2004.

. The Peace and reconciliation concert offered by the President to the whole nation took place at the national stadium Felix Houphouët Boigny on the 1st of January 2005.